

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CORY EDWARD FISHERMAN,

Petitioner,

v.

COLLIN GAU, WARDEN,

Respondent.

Case No. 17-cv-2987 (SRN/DTS)

REPORT AND RECOMMENDATION

Petitioner Corey Edward Fisherman commenced this action by filing a petition for habeas corpus. ECF No. 1. While the case was pending for screening, Fisherman filed a letter in which he states that he would like to “opt out” of this case. ECF No. 3. The Court construes his letter as a request for voluntary dismissal and recommends that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a). The Court further recommends that Fisherman’s pending application to proceed *in forma pauperis* (“IFP”) (ECF No. 2) be denied as moot.

RECOMMENDATION

Based upon the above, and upon all of the files, records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Petitioner Corey Edward Fisherman’s application to proceed IFP (ECF No. 2) be denied as moot;
2. This action be DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a).

Dated: August 30, 2017

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).